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10 Attorneys for Plaintiff  
COUNTER WRAPS INTERNATIONAL  
11 INC. DBA DC MEDIA AND MARKETING

12 [Additional counsel listed on signature page]

13 **UNITED STATES DISTRICT COURT**  
14 **DISTRICT OF NEVADA**  
15

16 COUNTER WRAPS INTERNATIONAL,  
17 INC. d/b/a DC Media and Marketing, a  
Nevada Corporation,

18 Plaintiff,

19 v.

20 DIAGEO NORTH AMERICA INC., a  
Connecticut corporation; DIAGEO  
21 AMERICAS INC., a Delaware  
corporation; and DOES 1 through Z,  
22 inclusive,

23 Defendants.  
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Case No. 2:16-cv-02924-JCM-DJA

**STIPULATION AND PROPOSED  
MODIFIED SCHEDULING ORDER**

**(FOURTH REQUEST)**

Complaint Filed: Oct. 20, 2016

First Amended  
Complaint Filed: Dec. 14, 2017

Case Removed to  
Federal Court: Dec. 16, 2016

1 Pursuant to Local Rules 7-1, 26-1, and 26-4, Plaintiff Counter Wraps  
2 International Inc. d/b/a DC Media and Marketing (“Plaintiff”) and Defendants Diageo  
3 North America, Inc. and Diageo Americas Inc. (collectively “Defendants” and,  
4 together with Plaintiff, the “Parties”) hereby respectfully submit this Stipulation for an  
5 additional twenty-one (21) days to file the Joint Pretrial Order, which would require  
6 that the Joint Pretrial Order be filed on or before December 8, 2020.

7 This requested extension is necessary because the Parties are substantively  
8 engaged in the meet and confer effort needed to submit a complete Proposed Joint  
9 Pretrial Order, and given the voluminous record (over 40,000 pages of documents,  
10 multiple rounds of written discovery, and eight (8) depositions), a short additional  
11 extension of time inclusive of the Thanksgiving holiday will permit the Parties to  
12 complete the exchange of objections and responses to proposed exhibits, deposition  
13 testimony, and other items required under the Local Rules. The Parties’ meet and  
14 confer efforts have been particularly extensive, and required more time than expected,  
15 and the Parties’ meet and confer has been slightly delayed by the absence of one of the  
16 two handling attorneys for Plaintiff, who was out of the office for a few weeks on  
17 paternity leave, in addition to the difficulties presented by the COVID-19 pandemic  
18 and stay-at-home orders previously addressed with the Court.

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1 The Parties expect this will be their final request for an extension of time on the  
2 deadline to file the Joint Pretrial Order, which has been extended on three prior  
3 occasions (ECF 62, 65 & 68).

4 DATED: November 11, 2020

DATED: November 11, 2020

5 SKIERMONT DERBY LLP

HOWARD & HOWARD ATTORNEYS PLLC

6  
7  
8 By:   
9 PAUL B. DERBY [*Pro Hac Vice*]  
JOHN J. O'KANE IV [*Pro Hac*  
Vice]

By: /s/ Robert Hernquist (by permission)  
ROBERT HERNQUIST  
[Nev. Bar No. 10616]  
JENNIFER LLOYD  
[Nev. Bar No. 9617]

10 Attorneys for Plaintiff  
11 COUNTER WRAP  
INTERNATIONAL INC d/b/a DC  
12 Media and Marketing

Attorneys for Defendants  
DIAGEO NORTH AMERICA INC.  
and DIAGEO AMERICAS INC.

13  
14 **IT IS SO ORDERED.**

15   
16  
17 UNITED STATES MAGISTRATE JUDGE

18  
19 DATED: November 13, 2020  
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Wednesday, November 11, 2020 at 09:16:25 Pacific Standard Time

**Subject:** Re: [EXTERNAL] CWI / Diageo  
**Date:** Wednesday, November 11, 2020 at 8:25:02 AM Pacific Standard Time  
**From:** Robert W. Hernquist  
**To:** Mane Sardaryan  
**CC:** Johnny O'Kane, Paul B. Derby  
**Attachments:** hh\_logo\_0f1dbcb0-80ba-4943-b445-368a57555dd0.png

This draft looks fine. You have my permission to attach my electronic signature. Thank you.

**Howard & Howard**  
law for business®

**Robert W. Hernquist**  
Attorney

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On Nov 10, 2020, at 5:02 PM, Mane Sardaryan <msardaryan@skiermontderby.com> wrote:

Mr. Hernquist,

Please see attached draft stipulation for your review. Please let us know if you have any edits or additions; otherwise, please let us know if we have permission to use your /s/ e-signature to file with the Court. Thanks very much!

Mane

---

Mane Sardaryan | Skiermont Derby LLP  
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P: 213.788.4504 | F: 213.788.4545 | [skiermontderby.com](http://skiermontderby.com)

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On Nov 10, 2020, at 1:55 PM, Robert W. Hernquist <[rwh@h2law.com](mailto:rwh@h2law.com)> wrote:

Hi Johnny. Yes, I'm fine with pushing out the deadline again.

[<hh\\_logo\\_0f1dbcb0-80ba-4943-b445-368a57555dd0.png>](#)

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On Nov 10, 2020, at 1:21 PM, Johnny O'Kane  
<[jokane@skiermontderby.com](mailto:jokane@skiermontderby.com)> wrote:

**CAUTION: EXTERNAL EMAIL**

Rob,

Hope you're well. Technically, I am supposed to be on paternity, so I'm a bit detached on the back-and-forth.

But I did open up some of the documents you sent over, and I think it makes sense for us to agree to one more stip to push the joint pretrial order submission. It's not really fair for me to expect Paul and Mane to be able to respond to the evidence objections in my absence, especially some of the surprising ones, and I figure on your end you'd appreciate more time with the deposition designations and other items as well.

So, how about we agree to do December 8? With Thanksgiving in the middle there that's functionally just about another two weeks. December 11 (that Friday) is also an option. Either way everyone gets just a bit more time, my team (and you, given our meet and confer obligations) get the benefit of my being back in the office, folks' turkey day is protected, and this is done, done and submitted well in advance of the December holidays (if 12/8, with Hanukkah beginning 12/10).

I blessed this proposal with Paul en route to a doctor's appointment, and hope we can reach quick agreement, so please let us know your answer up or down as soon as you can.

Thanks,  
Johnny O'Kane

---

John J. O'Kane IV, Esq.  
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On Nov 3, 2020, at 1:47 PM, Robert W. Hernquist  
<[rwh@h2law.com](mailto:rwh@h2law.com)> wrote:

EXTERNAL

Paul,

Attached is a slightly revised draft of the Exhibit List, adding Exhibits 488 through 516.

Best,  
-Rob

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**Robert W.  
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**From:** Robert W. Hernquist <[rwh@h2law.com](mailto:rwh@h2law.com)>  
**Sent:** Monday, November 2, 2020 9:29 PM  
**To:** 'Paul B. Derby' <[pderby@skiermontderby.com](mailto:pderby@skiermontderby.com)>  
**Cc:** Johnny O'Kane <[jokane@skiermontderby.com](mailto:jokane@skiermontderby.com)>;  
Mane Sardaryan <[msardaryan@skiermontderby.com](mailto:msardaryan@skiermontderby.com)>  
**Subject:** CWI / Diageo

Paul,

I have attached revised drafts of the Joint Pre-Trial Order and Exhibit list, and have also attached Diageo's objections to CWI's proposed trial exhibits.

As you will see in the objections, there appear to be some issues with a handful of CWI's proposed exhibits – the bates numbers do not match the document descriptions within the index.

I apologize for the delay on this. Review of documents was significantly slowed down with the pandemic / work from home orders. We have had issues uploading documents to a platform that I could access from home. There are still a couple of small gaps in the parties' productions that I have not been able to review. Because of those issues, I have some concerns about committing to a final list of trial exhibits so early. I understand your desire to submit this so we can get a trial date, but I would propose that the parties allow some leeway to amend the proposed trial exhibits with an agreement to finalize the exhibits a set time prior to trial (90 days, 120 days etc.).

Best,  
-Rob

[<image001.png>](#)

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<Exhibit List - 9.24.20 (v.5 redline).RH edits 11.03.2020.docx>

<CWI adv. Diageo - Stipulation to Extend Joint Pretrial Order Deadline (Fourth Request).docx>